



Dkt. No. 75723-ZA/JPW/GJG/CS

AF
IFCU

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David Baltimore, et al.
Serial No.: 10/037,341 Examiner: David Guzo
Filed : January 4, 2002 Group Art Unit: 1636
Title : Nuclear Factors Associated With
Transcriptional Regulation

30 Rockefeller Plaza
20th Floor
New York, New York 10112
December 24, 2008

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

**NOTICE OF APPEAL FROM THE EXAMINER'S
DECISION TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board from the decision of the Examiner mailed June 26, 2008 finally rejecting pending claims 90 and 91 in connection with the above-identified application.

A response to the June 26, 2008 Final Office Action was originally due September 26, 2008. Applicants are concurrently filing a Petition for a three-month extension of time in which to respond to the June 26, 2008 Final Office Action. With a three-month extension of time, a response to the June 26, 2008 Final Office Action is now due December 26, 2008. Therefore, the subject application is pending on December 24, 2008 and this Notice of Appeal is being timely filed.

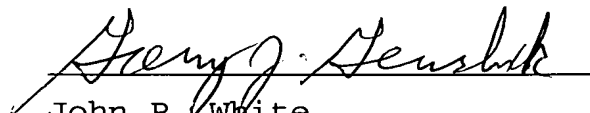
The required fee for filing a Notice of Appeal under 37 C.F.R. §41.20(b)(1) is FIVE HUNDRED FORTY DOLLARS (\$540.00), and a

Applicants : David Baltimore et al.
Serial No. : 10/037,341
Filed : January 4, 2002
Page 2 of 2 of Notice of Appeal

check in this amount is enclosed.

No fee, other than the \$540.00 fee for filing a Notice of Appeal, is deemed necessary. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

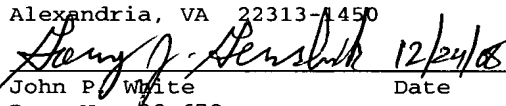
Respectfully submitted,



John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



John P. White
Reg. No. 28,678
Gary J. Gershik
Reg. No. 39,992

12/24/02
Date